

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
(Richmond Division)**

ELECTRIFIERS, INC.

Plaintiff,

v.

HARTFORD FIRE INSURANCE COMPANY

Defendant.

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Case No. 3:24-CV-0889

JOINT DISCOVERY PLAN

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, and the Order entered January 2, 2025, by the Honorable Judge Robert E. Payne, counsel of record for Plaintiff Electrifiers, Inc. (“Electrifiers”) and Defendant Hartford Fire Insurance Company (“Hartford”), have conferred and submit the following Joint Discovery Plan:

1. Parties request that the Final Pretrial Conference be set between October 1, 2025 and November 15, 2025.
2. **Nature of Claims and Defenses.** The parties have discussed the nature and basis of their claims and defenses.
3. **Settlement.** The parties discussed the possibilities for prompt settlement or resolution of the case.
4. **Initial Disclosures.** Parties have agreed to waive Fed. R. Civ. P. 26(a)(1) Initial Disclosures.
5. **Limitations/Phased Discovery.** In accordance with the Court’s Scheduling Order dated January 2, 2025, all discovery shall be concluded 50 days before the Final Pretrial

Conference, as set forth therein. The parties agree that discovery need not be conducted in phases. Interrogatories and requests for production of documents shall be served prior to conducting the scheduling conference required by Fed. R. Civ. P. 26(f)(1), as ordered by this Court's Order Setting Pretrial Conference [Document 3]. Requests for admission shall be served in sufficient time to allow a response prior to the discovery cutoff date. Responses to discovery requests shall be due within 30 calendar days after service (with three additional days in the event of service other than personal service). There shall be a maximum of 30 interrogatories by each party to any other party, including parts and subparts, without leave of court. There shall be a maximum of 30 requests for admission by each party to any other party, without leave of court. Each party shall be entitled to a total of 5 oral fact depositions, which includes a maximum of 2 non-party, non-expert witnesses and excludes expert witnesses, without leave of court. Depositions of witnesses are to be scheduled and concluded by the close of discovery, 50 days before the Final Pretrial Conference. Third-party discovery shall be concluded by the close of discovery.

6. Expert Disclosures and Discovery. Local Rule 26 shall govern the disclosure and discovery of experts and their reports, as set forth in this Court's Pretrial Schedule A [Document 4-1]. Accordingly, the parties discussed the role of opinion testimony and shall conduct expert disclosures and discovery pursuant to Federal Rule of Civil Procedure 26(a)(2) and 26(b)(4) and Local Rule 26(D)(2). Expert discovery shall be concluded prior to the close of discovery. Pursuant to Local Rule 26(D)(2), Plaintiff's expert disclosures are first due not later than sixty (60) days before the earlier of the date set for completion of discovery or for the Final Pretrial Conference, and by Defendant thirty (30) days thereafter. Supplementation under Rule 26(e) of the Federal Rules of Civil Procedure due not less than 5 business days before the

particular expert witnesses' scheduled deposition. Depositions of expert witnesses are to be scheduled and concluded by the close of discovery.

7. **Trial Before Magistrate Judge.** The parties respectfully agree that they do not wish to proceed to trial before a Magistrate Judge.

8. **Electronic Discovery.** The parties anticipate requesting and producing Electronically Stored Information (ESI) to the extent necessary. The parties anticipate producing ESI in electronic format, as TIFF images, PDF files and/or in their native format. Parties may request production of designated documents in their native format. Both parties have taken and will continue to take the necessary steps to preserve electronic information.

9. **Privilege.** The parties have not yet executed an inadvertent disclosure agreement with respect to privileged information.

10. **Protective Orders.** The parties anticipate that information, documents, and tangible things relating to trade secrets or other confidential business, research, development or commercial information may be sought, produced, or exhibited by and among the parties during this litigation. The parties have not yet executed a Fed.R.Civ.P. 26(c) protective order with respect to this information.

11. **Other items:**

- a) The parties do not request a conference with the Court before entry of the scheduling order.
- b) All potentially dispositive motions and motions in limine shall be filed no later than 10 days before the Final Pretrial Conference, as set forth in this Court's Pretrial Schedule A [Document 4-1].

c) Discovery will be needed on the following subjects: The subject of the Complaint, the subject of the Answer to the Complaint, and other allegations and claims of the parties to this case.

d) Final lists of witnesses and exhibits under Fed. R. Civ. P. 26(a)(3) are due from each party to the other party as set forth in Pretrial Schedule A [Document 4-1]. The parties shall have 12 days before the date of the Final Pretrial Conference to file objections to the exhibits.

e) Trial is expected to take approximately 2 trial days.

f) In accordance with Fed.R.Civ.P. 5(b)(2)(D), Electrifiers and Hartford agree to accept service by electronic means of all discovery requests and responses.

11. **Rule 26(f).** All items required to be discussed by Rule 26(f) were discussed.

Respectfully submitted this 16th day of January, 2025.

ELECTRIFIERS, INC.

By Counsel

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HARTFORD FIRE INSURANCE CO.

By Counsel

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